



Washington, D.C. 20505

SECRET

27 FEB 1986

The Honorable George Bush  
President of the Senate  
Washington, DC 20510

Dear Mr. President:

Submitted herewith, pursuant to the provisions of 5 U.S.C. 552(d), is the report of the Central Intelligence Agency concerning its administration of the Freedom of Information Act (FOIA) during calendar year 1985.

This was a record year for the Agency in terms of our accomplishments in reducing our backlog of requests for information. Although the number of requests received was about the same as in 1984 (2,804 total, 1,440 of which were FOIA), we were able to complete the processing of 4,098 requests, reducing our backlog by 1,294 cases. The backlog at the end of CY 1985 stood at 1,661 cases, the lowest it has been in a decade. Contributing significantly to this reduction, especially during the latter half of the year, was the passage of the CIA Information Act and the subsequent designation of our operational files as exempt from search. The file designations were essentially completed by late spring of 1985, allowing us thereafter to complete a number of requests more rapidly where exempt files were involved, since the time consuming search and review of exempt records were eliminated.

Several other factors contributed to our success as well. The investment in equipment during 1984 to provide each case officer on the Coordinator's staff with a word processor paid huge dividends this year in speeding up our correspondence. The reorganization of the Information and Privacy Division to combine all support personnel into one branch gained tighter control over the internal processing, and a continuous review of open cases kept cases moving on track. Finally, the addition of another retired annuitant contractor to the Coordinator's staff, bringing the total to four, to complete the processing of the large, older cases resulted in a final response to over half of the pre-1980 open cases. More complete details of our production/workload statistics for CY 1985 are enclosed at Tab A.

The backlog of administrative appeals increased by 45 during 1985, bringing our year-end appeal workload to 188 cases, not as large as expected in view of the large number of initial cases closed this year. This increase, however, represents an appeal rate of only 1 percent of the 4,098 initial responses.

During 1985 our manpower input to FOIA/PA processing of 115.7 manyears was slightly higher than for 1984. The CIA Information Act passed in 1984 has relieved the Agency of the burden of reviewing exempt operational files, and, in compliance with our promise to Congress during the hearings on the Act, we have maintained our level of manpower input, concentrating on lowering the backlog of open cases and improving our response time. We expect that the Act will be of even more help during the coming years as our workload becomes more current. Nevertheless, FOIA/PA requests continue to represent a significant burden to the Agency in two respects. First of all, even though operational files are no longer subject to search and review, the review of documents located in other files and decisions as to what is releasable must still be made by the professional intelligence officers working on the area concerned. This means that they must be diverted from the primary mission of this agency to conduct the review. Secondly, even discounting our expenditure for space, equipment, and overtime payments, all of which continued high during 1985, the administrative burden remains as heavy as in past years. Since 1975 we estimate that the Agency has spent over \$32.2 million in personnel costs alone for processing information requests--\$18.2 million for FOIA. The provisions of the Act that permit the Agency to charge fees for record searches and duplication are inadequate for recovering even a reasonable part of the costs. The Agency has thus far collected a total of \$100,209 in fees. When compared with expenditures for administering just the FOIA, this continues to amount to a return of slightly over one-half cent on the dollar. Because of the number of fee waivers or fee reductions granted, the Agency was able to collect only \$10,546 in fees and advance deposits during CY 1985--about twice the amount collected in 1984, but closer to our collections in past years.

The passage of the CIA Information Act of 1984 has alleviated our main concerns about the effect of the FOIA on our intelligence collection effort, since our most sensitive files are no longer subject to search. Our requesters are beginning to realize a benefit from the Act, too, in terms of faster response times. Even though our response time has improved considerably, and we expect it to improve even more over the coming year, we will still be unable to comply with the statutory response time requirements imposed by the FOIA.

We are, nevertheless, encouraged by the improvement that has already been made in both our response time and in the reduction of our backlog of cases, and the Agency remains committed to further progress in these matters during the coming year.

Sincerely,

Richard J. Kerr  
Deputy Director  
for  
Administration